

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

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|--------------------------|---|---------------------------------------|
| UNITED STATES OF AMERICA |) | |
| ex rel. DON HANKS, |) | |
| |) | |
| Plaintiffs, |) | NOTICE OF OPPOSITION AND |
| |) | OPPOSITION TO DEFENDANTS' |
| v. |) | MOTIONS TO DISMISS AND REQUEST |
| |) | FOR LEAVE TO FILE SIXTH |
| |) | AMENDED COMPLAINT |
| UNITED STATES ONCOLOGY |) | |
| SPECIALITY, LLP; |) | Civil Action No. CV-08-3096 |
| |) | |
| and Other Defendants. |) | (Johnson, J.) |
| |) | (Levy, M.J.) |
| |) | |
| |) | |
| _____ |) | |

TO ALL COUNSEL OF RECORD:

PLEASE TAKE NOTICE that, on September 19, 2014, at 9:30 a.m., or as soon thereafter as this matter is called, before the Honorable Sterling Johnson, Jr., United States District Judge, at the United States Courthouse, 225 Cadman Plaza East, Brooklyn, New York 11201, Plaintiff/Relator Don Hanks will apply for an order denying the Motions to Dismiss the Pending Fifth Amended Complaint filed by each of the Defendants and requesting that the Court grant Plaintiff/Relator leave to amend the pending complaint and to file a Sixth Amended Complaint pursuant to Fed. R. Civ. Proc. 15(a)(2) and such other grounds as may be applicable.

This application for an order denying each of the Motions to Dismiss the Pending Fifth Amended Complaint and for leave for Plaintiff/Relator to amend the pending complaint and to file a Sixth Amended Complaint will be based upon the reasons stated in the Consolidated Memorandum of Law submitted herewith, the Declaration of Plaintiff/Relator Don Hanks submitted herewith, such evidence and argument as may be presented at the time of hearing, and any and all other case filings in this litigation as may be relevant.

Dated: September 8, 2014

Respectfully submitted,

/ s /

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